

**CITY OF LATHROP
CITY COUNCIL REGULAR MEETING
MONDAY, FEBRUARY 11, 2019
7:00 P.M.
COUNCIL CHAMBER, CITY HALL
390 Towne Centre Drive
Lathrop, CA 95330**

MINUTES

PLEASE NOTE: There was a Closed Session which commenced at 6:04 p.m. The Regular Meeting reconvened at 7:01 p.m.

1. PRELIMINARY

- 1.1 CALL TO ORDER – Mayor Dhaliwal called the meeting to order at 6:04 p.m.
- 1.2 CLOSED SESSION
 - 1.2.1 CONFERENCE WITH LEGAL COUNSEL Anticipated Litigation - Significant Exposure to Litigation Pursuant to Government Code Section 54956.9(b)
 - 1 Potential Case(s)
 - 1.2.2 CONFERENCE WITH LABOR NEGOTIATOR Pursuant to Government Code Section 54957.6
Agency Negotiator: City Manager, Stephen J. Salvatore
Employee Organization: Service Employee International Union (SEIU) Local 1021
 - 1.2.3 CONFERENCE WITH LABOR NEGOTIATOR Pursuant to Government Code Section 54957.6
Agency Negotiator: City Manager, Stephen J. Salvatore
Employee Organization: Lathrop Mid-Managers and Confidential Employees Association (LMCEA)
 - 1.2.4 CONFERENCE WITH LABOR NEGOTIATOR Pursuant to Government Code Section 54957.6
Agency Negotiator: City Manager, Stephen J. Salvatore
Unrepresented Employees: Administrative Services Director, City Clerk, City Engineer, Community Development Director, Finance Director, Human Resources Manager, Parks and Recreation Director and Public Works Director
 - 1.2.5 CONFERENCE WITH REAL PROPERTY NEGOTIATORS: Pursuant to Government Code Section 54956.8
Property Location: Portion of 1175 Marina Drive (APN 213-310-33)
Agency Negotiators: City Manager, Stephen J. Salvatore
Negotiating Parties: River Islands Development, LLC.
Under Negotiation: Price and Terms of Payment

RECONVENE – Mayor Dhaliwal reconvened the meeting at 7:01 p.m.

1.2.6 REPORT FROM CLOSED SESSION

City Attorney Salvador Navarrete reported that for Items 1.2.2, 1.2.3, and 1.2.4, the City Council approved a one (1) year extension on same terms and conditions as the previous three (3) years, with a 4-0 vote (Salcedo absent); for Item 1.2.5, Councilmember Lazard abstained and did not participate in that portion of Closed Session, remaining Councilmembers approved a purchase price of \$830,000, with a 3-0 vote (Salcedo absent; Lazard abstained); no other reportable action taken.

1.3 ROLL CALL Present: Mayor Dhaliwal; Councilmembers: Akinjo, Lazard, and Torres-O’Callaghan.

 Absent: Vice Mayor Salcedo

1.4 INVOCATION – Pastor Bill Barnett, Grace Community Church, provided the invocation.

1.5 PLEDGE OF ALLEGIANCE – Pastor Bill Barnett led the pledge of allegiance.

1.6 ANNOUNCEMENT(S) BY MAYOR / CITY MANAGER

City Manager Stephen Salvatore reported on the California Department of Water Resources approval of the City of Lathrop’s basin boundary modification request under the Sustainable Groundwater Management Act (SGMA). The modification places the City of Lathrop entirely within the Tracy sub-basin, a non-critically over drafted basin.

1.7 INFORMATIONAL ITEM(S) - *None*

1.8 DECLARATION OF CONFLICT(S) OF INTEREST

Councilmember Lazard declared a conflict of interest with Items 4.14, 4.15, and 5.1, due to her employment with Dell’Osso Family Farms.

2. PRESENTATIONS

2.1 PROCLAMATION - DECLARING FEBRUARY AS BLACK HISTORY MONTH

Councilmember Jennifer Torres-O’Callaghan presented a proclamation declaring February as Black History Month to Lathrop residents Minnie Diallo and Brandy Brown Perkins. Ms. Diallo and Ms. Brown commented on the matter and presented information related to the Lathrop Black Caucus; Lathrop students were invited to recite poems and speeches related to the matter. Councilmembers thanked those that participated.

2.2 LATHROP POLICE SERVICES TO PRESENT CERTIFICATES OF RECOGNITION TO COMMUNITY ORGANIZATIONS FOR CHARITABLE EVENTS DURING THE HOLIDAYS

Deputy Sheriff Jefferson Dominguez provided an overview of charitable events during the holidays and presented certificates of appreciation to the:

- Staff Sergeant Addison, Sergeant Pettway, Toys for Tots Ambassador Glenn Jose, and the Transportation Services Company, Marine Combat Logistics Battalion 23 at Sharpe Army Depot for the December 2018 Toys for Tots Toy Drive; and
- Lathrop Target Store Employees for the December 2018 Blue Santa Operation.

2.3 MAYOR'S COMMITTEE REPORT(S)

- Parks & Recreation Update on Committee Events and Programs

Parks and Recreation Director Zach Jones reported the following past and upcoming events and programs:

- *Art Committee featured Artist*
Announced art display in Council Chamber by Gary Wilson, paintings to be displayed through March 2019.
- *River Park South*
Announced 72-hour Dog Park closure guidelines during inclement weather.
- *Valverde and Mossdale Park Improvements*
Announced installation of various improvements: outdoor fitness equipment, concrete BBQ stations, trash cans, and pet waste stations.
- *CalFest Convention*
Reported attendance to the 2019 CalFest Convention; received five (5) 1st place awards in various categories.

3. CITIZEN'S FORUM

Nellie Zavala (Commission on Aging) reported her attendance to the San Joaquin County Commission on Aging meeting held February 4, 2019. Irene Torres (Lathrop, CA) requested information related to a public utility easement associated with 570 Lathrop Road, recorded prior to the City incorporating. City Attorney Salvador Navarrete provide additional information. MJ Lazarski (Lathrop, CA) expressed concern with the wire nets recently installed at various basketball courts; requested installation of nylon nets.

4. CONSENT CALENDAR

On a motion by Councilmember Lazard, seconded by Mayor Dhaliwal, the City Council approved the Consent Calendar, except *Items 4.14 and 4.15, by the following roll call vote, unless otherwise indicated:

Ayes: Akinjo, Lazard, Torres-O'Callaghan, and Dhaliwal
Noes: Torres-O'Callaghan (Item 4.10 only)
Absent: Salcedo
Abstain: None

** Items 4.14 and 4.15 – The City Council voted on the items separately, following the vote of the Consent Calendar.*

***City Clerk Teresa Vargas confirmed receipt of a public comment letter addressing Items 4.3, 4.4, 4.6, 4.11, 4.15, 5.1, 5.2, 5.3, and 5.5, submitted by Martin Harris, Terra Land Group, LLC.; the letter addressing the mentioned items was provided to the Council and copies were made available to the public.*

4.1 WAIVING OF READING OF ORDINANCES AND RESOLUTIONS

Waived the reading of ordinances and resolutions on agenda unless otherwise requested by the Mayor or a Councilmember.

4.2 APPROVAL OF MINUTES

Approved Minutes for the Regular Council Meeting of December 10, 2018.

4.3 **SECOND READING AND ADOPTION OF ORDINANCE 19-400 APPROVING THE SECOND AMENDMENT TO THE DEVELOPMENT AGREEMENT AND THE ASSIGNMENT AND ASSUMPTION AGREEMENT BETWEEN THE CITY OF LATHROP, WATT-MCKEE, LATHROP ASSOCIATES, STEVEN R. MCKEE ROBERT E. MCKEE 1997 BYPASS TRUST AND WESTERN PACIFIC HOUSING INC. REGARDING THE MOSSDALE LANDING EAST PROJECT

Held second reading and adopted **Ordinance 19-400** approving the Second Amendment to the Development Agreement and the Assignment and Assumption Agreement between the City of Lathrop, Watt-McKee, Lathrop Associates, Steven R. McKee Robert E. McKee 1997 Bypass Trust and Western Pacific Housing Inc. regarding the Mosssdale Landing East Project. (The Second Amendment proposes to extend the term of the Development Agreement from 15 years to 25 years. The Assignment and Assumption Agreement will transfer the developer's rights, title and interest for Parcel 241-020-66 to Mosssdale Landing Apartments, LLC.)

- 4.4 **SECOND READING AND ADOPTION OF ORDINANCE 19-401 APPROVING THE FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT AND THE ASSIGNMENT AND ASSUMPTION AGREEMENT BETWEEN THE CITY OF LATHROP, MARIE A. VALLENTYNE, AND TCN PROPERTIES REGARDING THE MOSSDALE LANDING SOUTH PROJECT

Held second reading and adopted **Ordinance 19-401** approving the First Amendment to the Development Agreement and the Assignment and Assumption Agreement between the City of Lathrop, Marie A. Vallentyne, and TCN Properties regarding the Mossdale Landing South Project. (The First Amendment proposes to extend the term of the Development Agreement from 15 years to 25 years. The Assignment and Assumption Agreement will transfer the developer's rights, title and interest for Parcel 241-020-61 to Mossdale Landing Apartments, LLC.)

- 4.5 TREASURER'S REPORT DECEMBER 2018

Approved Quarterly Treasurer's Investment Report for December 2018.

- 4.6 **REVISED WASTEWATER TREATMENT CAPACITY (ISU) TRANSFER POLICY

Adopted **Resolution 19-4504** approving a revised Wastewater Treatment Capacity (ISU) Transfer Policy for capacity allocated by the City of Lathrop in the Manteca Water Quality Control Facility (MWQCF).

- 4.7 CITY VEHICLE PURCHASE FOR PUBLIC WORKS CONSTRUCTION, STREETS AND UTILITY MAINTENANCE

Adopted **Resolution 19-4505** approving the purchase of five (5) City vehicles from Steve's Chevrolet/Buick Inc., for Public Works Construction, Streets, and Utility Maintenance Divisions.

- 4.8 PARKING LOT IMPROVEMENTS AT VALVERDE PARK

Adopted **Resolution 19-4506** creating Capital Improvement Project, PK 19-06, Valverde Park parking lot repairs, Curb and gutter realignment, and related budget amendment.

- 4.9 ACCEPT GRAVITY SEWER MAIN CONSTRUCTED BY TEICHERT & SONS, DBA TEICHERT CONSTRUCTION, AT 2131 & 2301 E. LOUISE AVENUE

Adopted **Resolution 19-4507** accepting gravity sewer main improvements constructed by Teichert Construction, under contract with Developer DPIF CA 1 Lathrop, LLC, at 2131 & 2301 E. Louise Avenue, and authorized release of Performance Bond, and filing of a Notice of Completion.

4.10 RECOMMENDATION TO CHANGE "NESTLE WAY" TO "TESLA DRIVE"

Pulled by Councilmember Torres-O'Callaghan; expressed concern with recent Tesla employee layoffs. Councilmembers commented on the matter. City Manager Stephen Salvatore provided information related to Tesla production activity in Lathrop.

Adopted **Resolution 19-4508** approving street name modification to change "Nestle Way" to "Tesla Drive".

4.11 **2019 ONE VOICE TRIP REGIONAL PROJECT SUPPORT LETTER

Adopted **Resolution 19-4509** authorizing staff to submit a Letter of Support for the Valley Link Commuter Rail Project, associated with the 2019 San Joaquin One Voice Program.

4.12 ACCEPTANCE OF PUBLIC RIGHT-OF-WAY DEDICATION ASSOCIATED WITH THE MOSSDALE LANDING APARTMENTS

Adopted **Resolution 19-4510** accepting dedication of public right-of-way for Manthey Road and Sadler Oak, associated with the Mossdale Landing Apartments Project.

4.13 ACCEPT LANDSCAPE IMPROVEMENTS FROM RICHLAND COMMUNITIES FOR LAND APPLICATION SITE NUMBER 3 (LAS-3)

Adopted **Resolution 19-4511** accepting landscape improvements from Richland Communities for LAS-3 and authorized release of Performance Bonds.

Councilmember Lazard recused herself, following the vote of the consent calendar (Items 4.1 to 4.13), and left the chamber at 8:21 p.m. prior to Items 4.13 and 4.14, due to declared conflict of interest as noted in Item 1.8.

4.14 *APPROVAL OF FINAL MAP AND SUBDIVISION IMPROVEMENT AGREEMENT (SIA) FOR 35 LOTS IN TRACT 3892 VILLAGES "D" AND "E" WITHIN EAST VILLAGE OF RIVER ISLANDS

On a motion by Mayor Dhaliwal, seconded by Councilmember Torres-O'Callaghan, the City Council adopted **Resolution 19-4512** approving Final Map for Tract 3892 Villages "D" and "E" within East Village District, totaling 35 single-family lots and a Subdivision Improvement Agreement with River Islands Development, LLC, by the following roll call vote:

Ayes: Akinjo, Torres-O'Callaghan, and Dhaliwal
Noes: None
Absent: Salcedo
Abstain: Lazard

4.15 ***/**APPROVE IMPROVEMENTS TO CRYSTAL COVE PARK AND DEDICATION OF CRYSTAL COVE PARK PARCEL FROM RIVER ISLANDS DEVELOPMENT, LLC AND SUBSEQUENT DEDICATION OF CRYSTAL COVE PARK TO RECLAMATION DISTRICT 2062**

On a motion by Mayor Dhaliwal, seconded by Councilmember Torres-O'Callaghan, the City Council adopted **Resolution 19-4513** accepting improvements to Crystal Cove Park and dedication of Crystal Cove Park Parcel from River Islands Development, LLC, and approved subsequent dedication of Crystal Cove Park Parcel to Reclamation District 2062, by the following roll call vote:

Ayes: Akinjo, Torres-O'Callaghan, and Dhaliwal
Noes: None
Absent: Salcedo
Abstain: Lazard

5. SCHEDULED ITEMS

(Item 5.1 - continued from the Regular Meeting of January 14, 2019)

5.1 ****PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER THE FIFTH AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF LATHROP, CALIFIA, LLC, AND RIVER ISLANDS DEVELOPMENT, LLC. (CONTINUED FROM JANUARY 14, 2019)**

Community Development Director Mark Meissner provided the presentation. A question and answer period followed. City Attorney Salvador Navarrete responded to questions raised throughout the discussion. Mayor Dhaliwal opened the public hearing. Susan Dell'Osso (Project Director, River Islands Development) introduced herself and offered to respond to questions related to the project if requested. There were no other speakers. Mayor Dhaliwal closed the public hearing.

On a motion by Councilmember Akinjo, seconded by Mayor Dhaliwal, the City Council considered the following:

1. Held a Public Hearing; and
2. Introduced and conducted first reading of an ordinance to adopt the Fifth Amendment to the Development Agreement between the City of Lathrop, Califia, LLC, and River Islands Development, LLC. (The Fifth Amendment addresses wastewater and potable water allocations for the project, ongoing monitoring of actual wastewater and potable water usage, and restates commitments of the project to water conservation.)

Ayes: Akinjo, Torres-O'Callaghan, and Dhaliwal
Noes: None
Absent: Salcedo
Abstain: Lazard

Councilmember Lazard returned to the chamber after the vote of Item 5.1 at 8:21 p.m., for the remainder of the meeting.

5.2 **PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER ADOPTION OF THE CENTRAL LATHROP SPECIFIC PLAN CAPITAL FACILITIES FEES STUDY UPDATE AND THE FEES RECOMMENDED THEREIN

Principal Engineer Jay Davidson provided the presentation. A question and answer period ensued throughout the presentation. City Manager Stephen Salvatore and Principal Engineer Jay Davidson responded to questions raised throughout the discussion. Mayor Dhaliwal opened the public hearing. There were no speakers. Mayor Dhaliwal closed the public hearing.

On a motion by Councilmember Lazard, seconded by Councilmember Torres-O'Callaghan, the City Council considered the following:

1. Held a Public Hearing; and
2. Adopted **Resolution 19-4514** adopting the Central Lathrop Specific Plan Capital Facilities Fees Study update and the fees recommended therein.

Ayes: Akinjo, Lazard, Torres-O'Callaghan, and Dhaliwal
Noes: None
Absent: Salcedo
Abstain: None

5.3 **BIENNIAL BUDGET FISCAL YEAR (FY) 2018 – 2019 MID-YEAR REPORT

Finance and Administrative Services Director Cari James provided the presentation. A question and answer period ensued throughout the presentation. City Manager Stephen Salvatore, Assistant Public Works Director Michael King, and Finance and Administrative Services Director Cari James responded to questions raised throughout the discussion.

On a motion by Councilmember Lazard, seconded by Mayor Dhaliwal, the City Council adopted **Resolution 19-4515** approving the Biennial Budget FY 2018–19 Mid-Year Report (Year 2)

Ayes: Akinjo, Lazard, Torres-O'Callaghan, and Dhaliwal
Noes: None
Absent: Salcedo
Abstain: None

5.4 CREATE CIP GG 19-07 FOR CITY WIDE SURVEILLANCE SYSTEM
Council to Discuss and Consider the Adoption of a Resolution Approving the Creation of CIP GG19-07 for City Wide Surveillance System

Item pulled by staff; no other action taken on this item.

5.5 ****OUT-OF-STATE TRAVEL APPROVAL FOR THE 2019 SAN JOAQUIN COUNTY ONE-VOICE TRIP**

City Clerk Teresa Vargas provided the presentation. A question and answer period followed. City Manager Stephen Salvatore provided additional information. Councilmembers commented on the matter.

On a motion by Mayor Dhaliwal, seconded by Councilmember Torres-O'Callaghan, the City Council adopted **Resolution 19-4515** authorizing Option 2, out-of-state travel for one (1) Council Member (the Council nominated Councilmember Akinjo) and the City Manager to attend the 2019 San Joaquin One Voice Trip to Washington, D.C., from May 5-9, 2019, and approved related budget amendment with Option 2.

Ayes:	Akinjo, Lazard, Torres-O'Callaghan, and Dhaliwal
Noes:	None
Absent:	Salcedo
Abstain:	None

6. COUNCIL COMMUNICATIONS

6.1 **MAYOR DHALI WAL REFERRAL: Tennis Court Improvements at the Basin Park, across from Woodfield Park, next to the Lathrop Road Grade Separation.**

Mayor Dhaliwal provided an overview. City Manager Stephen Salvatore requested Council consideration of other areas on the Eastside of Lathrop conducive to tennis court facilities; did not recommend the Basin Park, which is sloped to allow temporary flooding during heavy rainy season. Council consensus directed staff to agendize the matter to a future meeting, including City Manager recommendations.

6.2 **MAYOR DHALI WAL REFERRAL: Set Application Deadline for Appointment of One (1) Member to the Measure C Oversight Committee with Term Expiring June 30, 2019, due to Unexpired Term Vacancy**

City Clerk Teresa Vargas provided an overview. Mayor Dhaliwal expressed concern with the short length of the unexpired term vacancy, ending in June 30, 2019. City Clerk Teresa Vargas recommended advertisement of the vacancy to include the unexpired term vacancy ending June 30, 2019, in addition to a regular three (3) year term.

Council consensus directed the City Clerk to set the application deadline to March 1, 2019, with appointment at the Regular Meeting of March 11, 2019, and modify recruitment to include the unexpired term vacancy ending June 30, 2019, in addition to a regular three (3) year term ending June 30, 2022.

6.3 MAYOR & COUNCILMEMBER COMMITTEE REPORT(S)

Councilmember Akinjo reported attendance to a San Joaquin Area Flood Control Agency public meeting; provided details related to meeting discussions and related flood control projects. Councilmember Lazard and City Manager commented on the matter.

6.4 MAYOR & COUNCILMEMBER COMMENT(S)

Councilmember Torres-O'Callaghan expressed appreciation to the recipients of the Black History Month Proclamation; thanked them for their presentation and information related to the Lathrop Black Caucus (Item 2.1). Councilmembers echoed Councilmember Torres-O'Callaghan's comments, and thanked those in attendance.

7. **ADJOURNMENT** – There being no further business, Mayor Dhaliwal adjourned the meeting at 9:33 p.m.


Teresa Vargas, CMC
City Clerk